

SAVE OUR CIRENCESTER OBJECTION TO APPLICATION FOR OUTLINE PLANNING PERMISSION FOR 2,350 HOUSES REFERENCE 16/00054/OUT.

1. THE PROPOSED SITE

- 1.1. The Council acknowledges in the Officer's Report the application will cause harm to Cirencester. It goes on to say that this harm is balanced by the need for housing and the benefits the development will provide. It then overstates the benefits as explained below and provides no detailed assessment as to how the benefits outweigh the harm.
- 1.2. The National Planning Policy Framework requires the planning system to contribute to sustainable development meaning ensuring that better lives for ourselves are not achieved through worse lives for future generations.
- 1.3. The proposed site is completely severed from the market town. An inescapable consequence of this is that the site cannot support sustainable development (growth) on the scale proposed without reconfiguring the road network and/or removing existing homes in Chesterton.
- 1.4. The principle access is the A429 – there is no ring road as Officer's Report wrongly states.
- 1.5. A secondary access is by Spratsgate Lane which takes traffic south into the water parks or north into the market town or Love Lane estate; two areas which are already congested.
- 1.6. The Council and applicant claim the site will be connected to the market town by a number of cycle paths and pathways. Both council and applicant misrepresented the walking time from the new development to the market town centre as 15 minutes; one of many facts misrepresented. The walking time is actually nearer to 35 mins or 1 hour and 10 minutes for a round trip. It is nonsense to suggest that this connects the site to the market town and residents living on the site will walk into the market town. It is plain that the residents will drive.
- 1.7. The new cycle paths are welcomed but no one can seriously suggest that this connects the site and market town.
- 1.8. A bus service is proposed. This service is not adequate, as we have seen with the existing bus service, and residents will drive.
- 1.9. A rail station was included in the initial proposals and is now no longer part of the development so residents will drive
- 1.10. The inescapable consequence of this is a significant increase in the number of vehicles on the A429 and roads from the secondary access
- 1.11. This increase in traffic will increase traffic generated air pollution with negative impacts up to 500 m from the road network.

- 1.12. This pollution will affect large areas of Cirencester and its schools and Councillors should treat this matter seriously and commission a detailed assessment before determining the application.
- 1.13. The consequences of severance and access cannot be corrected without significant reshaping of the road network and demolition of existing homes. A 'potential' south relief road is referred to in the applicant and Council statement of common ground. There is no information or statement that this road will be built. There appears to have been no attempt to explore a north relief road.

2. COUNCIL TREATMENT OF CIRENCESTER

Comparison of approach of other councils

- 2.1. The applicant arranged a site visit for Cirencester Residents to a large development (3,000 houses) site on the edge of Aylesbury.
- 2.2. Of the 3,000 houses, approximately 1,500 had been built before the delivery of the site stalled. The responsible Council expressed concern that it was unable to persuade the developer to continue with the development.
- 2.3. With 1,500 houses the development included a new link road to ease traffic congestion including a new river crossing. In addition a new student academy from nursery to 6th form had been built. A train station with direct trains to London was immediately adjacent to the development.
- 2.4. This is an example of what other Councils have successfully required developers to provide. Here the Council appears content not to place such requirements on the applicant to ensure that the development is sustainable.
- 2.5. We ask that the Councillors take note of this and provide infrastructure to improve the sustainability of the development.

Alternative sites

- 2.6. The timeline below shows the Kemble Airfield site was discussed with the Council in 2013. This would have provided sufficient time to assess the site and for the developer to provide an application. We understand the Council told the developer to 'go away'
- 2.7. Several attempts have been made and freedom of information applications to obtain minutes of meetings of the three meetings between developer and Council. We have been told that there are no minutes of meeting and no other record. At a time when land for housing was been assessed in a 'scientific and rigorous' manner it seems strange that there are no records whatsoever of these meetings
- 2.8. It does appear that there was a conscious decision by the Council to exclude the Kemble Airfield site from the assessment

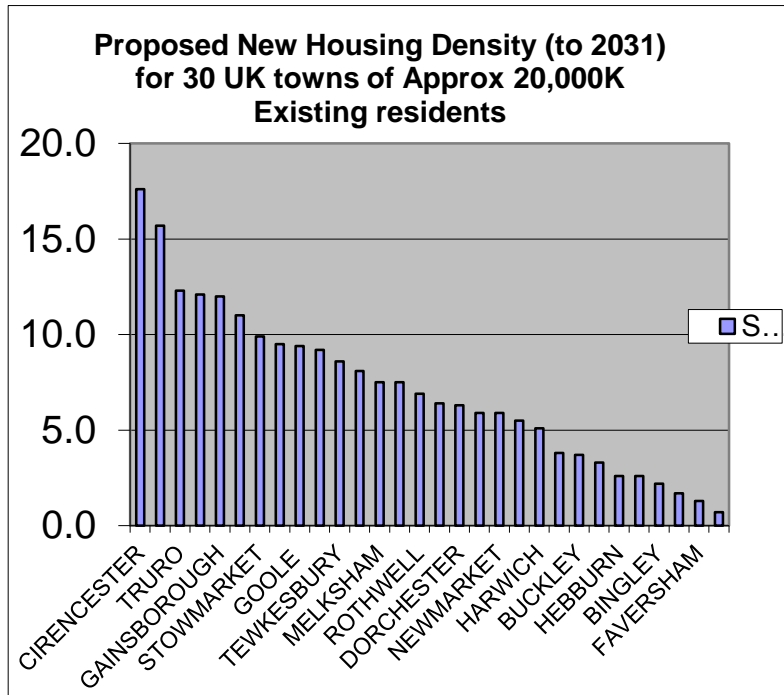
Date	
Nov 2007	Core Strategy consultative document, no sites mentioned
Nov 2008	Core Strategy-Settlement Hierarchy Topic Paper, o sites mentioned
Dec 2010	Core Strategy- Second Issues and Options Paper – not on CDC planning portal Potential strategic site, Chesterton and Kemble referred to as possible locations
May 2013	Local Plan- Preferred Development Strategy Land south of Chesterton identified for first time, no public consultation on location.
18 Dec 13	Kemble Site proposed to CDC. CDC told developer to go away
10 Apr 14	Kemble Site proposed to CDC. CDC told developer to go away
16 Dec 14	Kemble Site proposed to CDC. CDC told developer to go away
Jan 15	Kemble Site proposed by and placed on planning portal by developer
Jan 2015	Local Plan Regulation 18

	Strategic site "south of Chesterton"
	Local Plan Regulation 19 Chesterton strategic site

Housing density for UK towns

2.9. Research of 30 towns across the UK of a comparable size to Cirencester demonstrates that the Council is imposing an unfair burden on Cirencester.

2.10. The research shown graphically below shows the majority of towns have housing densities of between 1 and 10 per 100 residents with an average of 7



2.11. The Council is proposing 17 new houses per 100 residents, two and a half times the average.

2.12. It appears to SOC that the Council has taken an unfair and biased action to promote this site to the detriment of Cirencester and to avoid development in other areas of The Cotswolds.

Council prepared to work with applicants avoiding UK tax

2.13. It appears to SOC that the Council is prepared to go to some length to promote this site.

2.14. It is public knowledge that the applicant holds the land in a Bermudan Trust with the sole purpose of avoiding UK tax. While there is a moral argument that tax avoidance places an unfair burden on those who pay their tax the applicant is doing nothing illegal and why should the applicant not legally minimise its tax liability by taking this action.

2.15. The Conservative-led Council however had a clear choice. It could, and most of the country including possibly the current and previous Conservative Prime Minister would say it should, have refused to consider any site held in a structure which was designed, like the applicants site, to avoid UK tax. After all the Council

will not, for example, contract with local service providers if they intend to avoid tax. With the applicant's site the Council appear to have made an exception.

- 2.16.** The Council will defend this position by saying that the strict letter of its internal policy does not specifically exclude its decision to help a UK tax avoider in these specific circumstances. Put another way the Council is going against the spirit of its policy if not the strict letter. This is not acceptable and the Council should be criticised in the strongest terms possible for spending public money to promote a proposal expressly structured to avoid UK tax.
- 2.17.** This cannot be right and the application should not be determined until the applicant can confirm that the land is held in the UK and will pay all UK tax as and when the capital gain is made and the tax is due.
- 2.18.** The Council could have chosen to comply with policy and determine the application after the examination of the local plan is complete. Instead it has decided to go against the spirit and arguably the letter of its policy and the local plan in favour of the applicant and its proposal for the site.

Excluding councillors affected by proposal from voting

- 2.19.** The Council sought to exclude Councillors representing wards directly affected by the development for voting. At the same time it was happy to allow Councillors who support the application to vote.
- 2.20.** While Councillors representing wards directly affected can now vote this is indicative of bias against Cirencester

Severance leading to traffic related air pollution

- 2.21.** One of the inescapable consequences of the site's location and its severance from the market town is a significant increase in traffic. This is not disputed by the Council.
- 2.22.** While this is not disputed, the Council has chosen not to undertake a detailed assessment of air pollution on the market town including its schools. It has chosen to rely on out of date research on traffic related pollution and modelling which underestimates vehicle numbers

Delivery

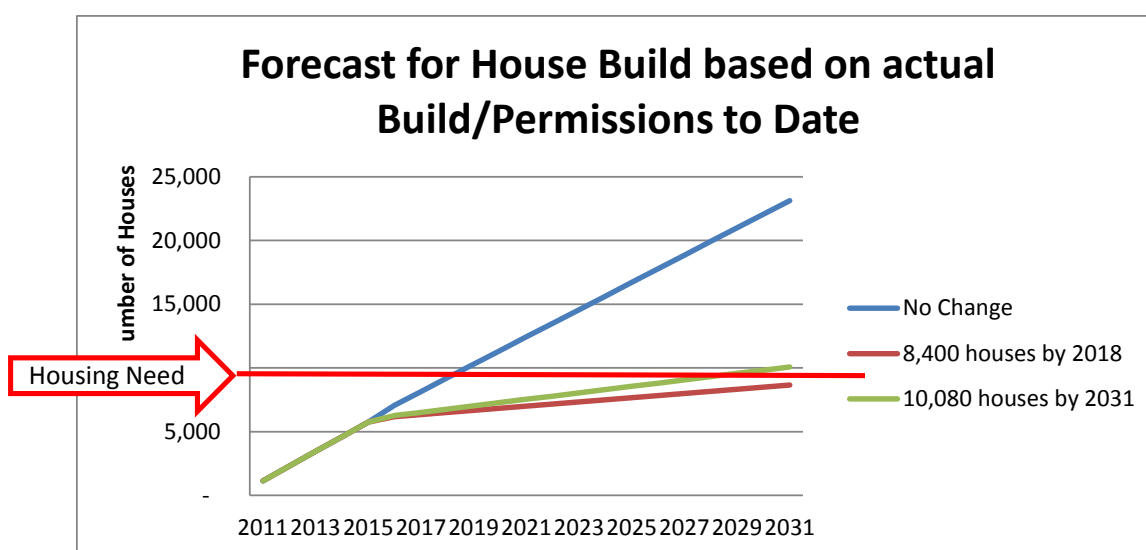
- 2.23.** The Council as a demonstrable track record in failing to ensure developers deliver the promised developments. There is a significant risk that this application will not be delivered because (i) any financial gain will be in a Bermudian company and (ii) the housing may not be needed so that the development will stall and not be completed as for the site on the edge of Aylesbury.

2.24. There is a clear risk that the applicant can make a profit on the land and at the same time not complete the development or its s106 obligations and planning conditions. This will leave the applicant with a profit and Cirencester with the burden and no mitigation against this burden.

2.25. The Council could like many others secure this by requiring a s106 agreement backed by a financial bond. Instead it chose not require a financial bond leaving Cirencester with no means of ensuring delivery

3. HOUSING NEED AND PROVISION

- 3.1. The Council assesses the housing need (within the plan period to 2031) as 8,400
- 3.2. 5,752 of this need is met by existing build and new permissions to 31 March 2016
- 3.3. The Council assumes windfalls will provide a further 80 homes a year or 960 to 2031
- 3.4. The Council said in its Reg 18 consultation that the site would provide 1,175 affordable houses compared to a need in Cirencester of 613 houses. This has now reduced to a maximum of 700 affordable homes.
- 3.5. In 3.4 above we state the housing need of Cirencester as 613. This is the best figure available but it is not accurate as the Council does not have accurate figures in its records. This figure had to be obtained by freedom of information.
- 3.6. The Officer's Report says there are 1,481 households registered for the District. The report is less clear on the need for affordable housing in Cirencester and indicates a maximum of 393 households. The site will provide 180% of the need for affordable homes in Cirencester. SOC welcomes the increase of affordable houses and asks the Councillors to place a legally binding commitment on the applicant secured by financial bond for it to deliver a minimum of 393 households in the early years of the development
- 3.7. This data is shown on the chart below.
- 3.8. If the build/new permission rate for the last five years to 31 March 2016 continues then the housing need will be met during 2018 and, if it continues through the plan period, will deliver approximately 23,000 houses
- 3.9. A rate of 21% will deliver the housing need within the plan period
- 3.10. A rate of 30% will deliver the housing need plus a 20% buffer.



- 3.11.** It should be remembered that the time period over which the housing need is close to been met has been a period of recession in the UK when numbers of houses built has been low.
- 3.12.** On the statement of common ground the Council and Applicant say that the site is critical to meeting the housing need of the District. It provides no evidence to support this statement. In fact the housing need can be met comfortably without the strategic site
- 3.13.** The Officer's Report says that a failure to deliver the site would "require a significant number of alternative sites" in "less appropriate and more sensitive locations". The report provides no evidence to support either statement. Arguably the second statement is not correct as alternative sites will be progressed through the planning system to exclude inappropriate and sensitive sites.
- 3.14.** What is clear is that the sites will most likely be smaller, more easily integrated into surrounding communities and closer to the place of need.
- 3.15.** A more reasonable and sensible approach would be to adopt this form of development and, were it not to be acceptable in 5 years say return to the site or alternative sites such as the Kemble Airfield site.
- 3.16.** What is clear is that there is no strong argument to support the site, with its burden and negative impact on Cirencester, at this time

4. ACCESS

- 4.1. The Officer's Report refers to a "ring road" when there is no such road. There is a road which comprises the A419 and the A429 only.
- 4.2. Traffic flow forecasts have been modelled by the applicant.
- 4.3. The model uses a total journey time to compare traffic flow before and after the proposed development. The model uses a single figure of total journey time for the A419 and A429 between Stroud Road to Burford Road. In summary the base journey time is:
 - 903 seconds for the year 2013
 - Increasing to 1344 seconds for the year 2021
 - Increasing again to 2819 seconds when the development is added and;
 - Reducing to 1313 seconds when mitigation (a series of pedestrian crossings and traffic light controlled roundabouts are added). That is a similar figure to the base for 2021
- 4.4. The Officer's Report concludes this is acceptable
- 4.5. A similar conclusion is reached for Love Lane
- 4.6. The report is silent on the impact of other roads in Cirencester leading to the A419 and A429 and market town centre.
- 4.7. Councillors must require a report on this before determining the application
- 4.8. Any computer model of this nature must be initiated to generate the forecast. The initiation parameters should represent, as close as practically possible, to the initial status of the system being modelled.
- 4.9. The model initiation is already based on the application of a factor of 2.8 to initiate the model. This will have introduced modelling errors which are not considered in the Officer's Report.
- 4.10. It is particularly important in respect of this application because the forecast air pollution arising from the development increases air pollution in Cirencester to close to legal limits. The Councillors considering this application have a duty of care to the residents of Cirencester and should take all efforts to satisfy themselves that air pollution will be at acceptable levels taking full account of the most recent research and findings into this matter.
- 4.11. There are a number of errors in the initiation parameters
 - 4.11.1. The Maples has been selected as the 'donor' site representing the expected demographic mix of the proposed development. A survey of the Maples shows that of the 37 home, 38% are working households and 62% retired. The Maples is unlikely to be representative and would significantly underestimate vehicle numbers
 - 4.11.2. The Council has been asked to disclose the identity of the donor sites and so far has not done so.
 - 4.11.3. Similarly the Council has not provided the trip rates when asked to do so

- 4.11.4. Construction traffic has been excluded from the model on the basis that construction is temporary. This is nonsense as construction will continue for 12 years and cannot be considered temporary. Construction traffic will be significant.
- 4.11.5. The impact of significantly reduced traffic following the market place changes has not been included. Rather the dynamic capability of the model has been allowed to correct for this.
- 4.11.6. The model assumes we believe that drivers have perfect knowledge and will react to changing traffic circumstances. There is no information system to provide this information to drivers.
- 4.11.7. Vehicles for retirement apartments are not included
- 4.11.8. Vehicles from developments recently allowed on appeal (approximately 240 homes) are not included understating the impact of traffic
- 4.12. This approach has introduced significant error and the Councillor's should not determine the application until these errors have been removed as much as is reasonably practical.
- 4.13. The journey time from Stroud Road to Burford Road without constraints is approximately 201 seconds and Burford Road to Stroud Road 248 seconds.
- 4.14. The total for two peak period round trips for 2013 is 903 seconds. The development with mitigation increases journey times to 1313 seconds, a 45% increase on the peak period journey time. Without constraints would no longer apply because the mitigation proposed, 16 sets of traffic lights, will increase the journey time making the 1313 journey time unlikely to be achieved.
- 4.15. The increase in traffic numbers and these increases in journey time will increase air pollution as discussed below.
- 4.16. Without mitigation SOC understand that the Council accepts that the development will increase traffic to levels which the existing road network cannot accommodate. That is it will create traffic chaos and gridlock in Cirencester. Therefore, given the importance of the mitigation SOC asks the Councillors to place a legally binding commitment on the applicant to provide all necessary traffic mitigation before total journey time exceed 1,313 seconds. This legally binding commitment should be secured by financial bond as it is the only means by which the Council can guarantee that the applicant will deliver the promised mitigation
- 4.17. Shortly before the meeting on 26th September SOC received information relating to the assessment of traffic flow from Glos Highways. An initial review of this data by specialists shows the correlation of data to inform the traffic assessment is based on poor correlation using too few data points and distorting the correlation by utilising outlying values in the limited data set. There is no doubt that this has introduced significant error and uncertainty to the analysis and means it should not be relied on for determining the application. The late delivery of this information means there is no time to assess this information and these comments

are based on an initial assessment undertaken by Peter Dernie who uses the same analysis working with world class companies in oil and gas exploration and Tony Buxton who is very familiar with this type of analysis (including its pros and cons) in the electricity supply industry. Both individuals use this analysis to determine investment up to billions of dollars and understand this significance of errors and uncertainty.

5. **TRAFFIC RELATED AIR POLLUTION**

Environmental Statement

- 5.1. ES submitted with OPA in Jan 16 ("Jan16 ES")
- 5.2. Case Officer rightly engaged Arup's to review the Jan16 ES. Arup's review identified 30 red flag issues; defined as deficiencies likely to be significant resulting in a risk to the determination process.
- 5.3. The applicant issued updated ES in Nov 16 ("Nov16 ES").
- 5.4. If the Council required an expert such as Arup to review the Jan16 ES then it must need an expert to review the update Nov16 ES and confirm that the red flag issues had been adequately resolved.
- 5.5. This review has not been undertaken and the Councillors cannot be certain that the deficiencies have been corrected and the report is suitable for the determination process.
- 5.6. Councillors should require this work to be undertaken before determining the application.

Arup Review of the Air Quality Chapter of the Nov16 ES

- 5.7. The Council commissioned Arup to review the Air Quality chapter of the Nov16 ES. In Arup's initial review it had traffic light system widely used to identify and rank deficiencies. In the absence of the traffic light summary it is not possible to state if the 30 deficiencies have been corrected so that the Nov16 ES is suitable to be used during the determination process.
- 5.8. Councillors should require this work to be undertaken before determining the application.

Other Comments on the Air Quality Report

- 5.9. The Council and applicant have used a 2008 DEFRA report on air quality and Traffic Related Air Pollution (TRAP) to justify the increase of vehicular traffic. This report is an out of date document of only historical interest only.
- 5.10. There are several criticisms of this report.
- 5.11. The Defra report uses data from several peer reviewed papers. Most of these publications are more than 12 years old and undertaken (1) when traffic levels were much less than now and (2) before the recent ground breaking research from Leeds.
- 5.12. As a minimum applicants report should have taken modern TRAP data into account with up to date and relevant peer reviewed scientific data that affects their area of expertise.
- 5.13. Sound science is an area mentioned by the Inspector in his advice to participants for the hearing saying this is one of the cornerstones of the NPPF.

- 5.14. It is clear that sound science is not underpinning the traffic related air pollution modelling undertaken by the applicant.
- 5.15. The Air Quality report is itself more than 8 years old. It takes no account of other publications that show asthma incidence increases at least up to 200 -500 meters from the traffic source.
- 5.16. It also does not deal with all the other components of air pollution e.g. BC, PM and many others. Diesel exhaust gases include compounds such as benzene, 1, 3-butadiene, formaldehyde and polycyclic aromatic hydrocarbons (PAHs). Diesel exhaust particles also include sulphate, nitrate and metals such as lead (Pb), mercury (Hg), arsenic (As) and nickel (Ni).
- 5.17. The latest meta-analysis of 10 European birth cohorts also provides robust evidence that post-natal PM10 (but notably not PM2.5), and traffic exposure is associated with an increased risk of pneumonia in early childhood as well as some evidence for an association with otitis media (middle ear infection).
- 5.18. PM of course is the major component of brake and tyre dust. The introduction of 9 sets of traffic light controlled pedestrian crossings and traffic control roundabouts will increase traffic related pollution even with the mitigated journey times.
- 5.19. The applicant and Council have made no attempt to link figures from the DEFRA report with the incidence of known respiratory related diseases such as childhood asthma even though these data are available in the literature

Need for a Detailed Air Quality Assessment

- 5.20. SOC's specialist identified five areas where the modelling is not fit for purpose. One of these issues was modelled by the applicant resulting in a 7.7% increase in nitrogen oxide
- 5.21. Councillors have a duty of care to Cirencester and must require the applicant to model the other four issues to confirm traffic generated air pollution remains within legal limits
- 5.22. Paragraph 12.13 of the officer's report accepts the applicants conclusions that levels of air pollution generated by the site will not exceed national objectives. It is very unusual unusual for Councillors on an important matter such as the long term health of residents not as a minimum require an applicant to undertake a detailed study of the matter concerned and for this detailed study to be reviewed by an independent specialist.
- 5.23. Councillors should note that modelled air pollution is at 94% of legal limits such that a 10% error in modelling means legal limits are exceed? This is a relatively small increase and given the uncertainty and error in both traffic and air pollution modelling Councillors must require a detailed air pollution study is completed.

6. THE LEGACY

- 6.1. The applicant and Council make much of the benefits which the proposal will bring to Cirencester. The applicant refers to this as his legacy.
- 6.2. The Officer's Report concludes by saying that the site will bring "wider public benefits that will outweigh any harm that has been identified" So the Council acknowledges that the site will harm the market town of Cirencester and the Councillors determining the scheme should place considerable weight on the benefits. The Officer's Report does not provide an analysis of the benefits and the weight these are given in the overall consideration of the application. Therefore we have turned to the applicants own summary. The applicant lists the following as benefits
- 6.3. **Employment during construction**; an important consideration as the construction period will be twelve years or more and these are long term jobs. As the Officer's Report is silent on where construction resource will be sourced it is reasonable to conclude that they will not be local. A construction site such as the one proposed will almost certainly use national construction firms using imported labour and very unlikely to use local construction companies. Of course most Council would take care to ensure that local firms will be considered without of course affecting procurement rule but this Council is not prepared to do this for the local economy.
- 6.4. Therefore this cannot be taken as a benefit and should be excluded when the Councillors determine the application.
- 6.5. **Indirect employment** of approximately two jobs for each construction job. Again there is nothing in the Officer's Report which indicates these will be local jobs and every reason to assume that they will not
- 6.6. Therefore this cannot be taken as a benefit and should be excluded when the Councillors determine the application
- 6.7. **Long term employment** opportunities are welcomed and the applicant was questioned on these employment opportunities. The response was disappointing and the applicant was unable to explain in any detail how these opportunities would be provided. The long term opportunities were more of an aspiration or thesis than anything hard and solid.
- 6.8. Councillors should place little weight on this benefit unless and until the applicant can explain clearly how this benefit will be delivered
- 6.9. **Health** – the applicant says that there will be on-site provision of health services to meet the needs of the development located in the neighbourhood centre. This would include a GP surgery and pharmacy.
- 6.10. The reality is the applicant will provide the land only and not a surgery and pharmacy building.

- 6.11. Gloucester Care Commission Group advises that it would not support the GP surgery envisaged because it is not viable. The existing surgery will need to provide the three doctors required and provide health care.
- 6.12. As this benefits is more likely than not to be provided off-site Councillors should place little weight on this benefit unless and until the applicant can explain clearly how this benefit will be delivered on-site
- 6.13. **Sports and play areas** – the original proposal included a sports stadia, running track and recreation areas. In the application this is reduced to a contribution to the capital costs of the off-site leisure centre and off-site pitches.
- 6.14. Land would be set aside for a sports hall, pitches and fitness suite.
- 6.15. While this is welcomed and possibly the only true benefit it is far less than originally promised.
- 6.16. Councillors determining the application should if the application is improved require strong legally binding obligations backed by a financial bond to ensure delivery
- 6.17. **Drainage** – the applicant claims that drainage is a benefit to Cirencester when it is no more than drainage required for the site to be viable and the Council should give no weight to this.
- 6.18. **Open spaces** – the applicant makes much of the provision of open spaces. No one would disagree but much of the open space is necessary as it in areas of high pressure gas pipes and other infrastructure.
- 6.19. **Highway improvements** – THE Officer's Report explains that extensive traffic mitigation is necessary simply to maintain journey times at or close to existing journey times. Therefore it is nonsense to describe these highway works as a benefit when all they do is seek to maintain the status quo.
- 6.20. The Officer's Report and Councillors should allocate no weight to these highway works when determining the application.
- 6.21. **Schools** – this topic was raised with the applicant at the town meeting. Primary schools in the area are already at capacity and children are being bussed out of the area to schools. The applicant responded that it was prepared to provide temporary construction cabin style accommodation for primary school children until the development was advanced or completed and the school could be built
- 6.22. On the basis of this answer the Councillors should require a change to the plan or place little weight on this a benefit. If approved there should be strong legally binding obligations secured by a financial bond to ensure this is delivered.
- 6.23. **In conclusion** the application with the exception of sport and play areas provides no benefit to Cirencester to outweigh the harm which the Council acknowledges will be caused.

7. *Heritage*

7.1. SAM the Officer's Report concludes that there is "less than substantial harm" to the SAM without qualifying this. Is it just less or close to negligible for example? It is not sufficient for the Council to say this is justified by the 2,350 houses and it is required to explain why on balance the harm outweighs the need for houses (when the need itself is not demonstrated).

